

Docket No: 38-21(52578)C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Jingrui Wu et al.
Serial No: 10/678,588
Filed: 10/02/2003
For: Yield-Improved Transgenic Plants

Art Unit: 1638
Examiner: Vinod Kumar

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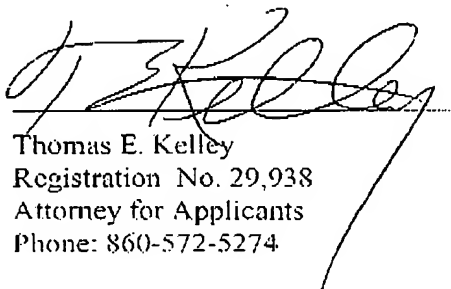
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication (40 pages) including

- (a) a response to Office Action mailed December 29, 2005,
- (b) a petition for one month extension of time under 37 CFR 1.136(a), submitted in duplication with authorization to charge deposit account 134125,
- (c) a petition to amend priority under 37 CFR 1.78(a)(3), submitted in duplicate with authorization to charge deposit account 134125, and
- (d) a request for correction of inventorship under 37 CFR 1.48(c) accompanied by
 - (1) statements of lack of deceptive intent from three added inventors,
 - (2) written consent of the assignee,
 - (3) a processing fee transmittal for correcting inventorship, and
 - (4) combined declaration and power of attorney from all inventors.

is being facsimile transmitted to the USPTO via the Central FAX number, i.e. 571-273-8300, on April 28, 2006


Thomas E. Kelley
Registration No. 29,938
Attorney for Applicants
Phone: 860-572-5274

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Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed December 29, 2005 with a shortened statutory period of three month to reply, applicant concurrently files with this Amendment

- (a) a petition for a one month extension of time to respond to April 29, 2006,
- (b) a petition to amend priority under 37 CFR 1.78(c) to claim priority to application Serial No. 09/865,439 which is now abandoned but which had been copending with this application from October 2, 2003 through November 18, 2003,
- (c) a request for correction of inventorship under 37 CFR 1.48(c) together with the required declarations and statements.

By this Amendment applicant requests entry of the following amendment and reconsideration of the rejection of claims in view of the following remarks.

Restriction Requirement - Applicant understands that the Examiner did not find the arguments traversing the restriction requirement to be persuasive and that the requirement has been made final. In view of this action, Applicant requests entry of the amendment to the claims in which the withdrawn claims, i.e. claim 8 (and its dependent claims 9-13) will be dependent on claim 6. In the event that claim 6 is found to be allowable, rejoinder of claims 8-13 is respectfully requested.

Petition to Amend Priority -

In the accompanying petition to amend priority under 37 CFR 1.78(c) applicant has requested a priority claim to application Serial No. 09/865,439 which was copending with this application from October 2, 2003 through November 18, 2003. In the attached amendment to the